

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

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PIO MENDOZA and AMADO MENDEZ,  
on behalf of themselves  
and all others similarly situated, et al.

Plaintiffs,

v.

BAIRD DRYWALL & ACOUSTIC, INC., et al.,  
Defendants.

CASE NOS. 7:19-cv-882 and  
7:21-cv-00365

and

JOSEPH BRITT, individually

Plaintiff,

v.

BAIRD DRYWALL & ACOUSTIC, INC.,  
Defendant.

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**JOINT CONSENT ORDER APPROVING FLSA SETTLEMENT**

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Pio Mendoza and Amado Mendez, on behalf of themselves and all others similarly situated, and Joseph Britt on behalf of himself (“Plaintiffs”) and Baird Drywall & Acoustic, Inc. (“Baird”), Ramiro Torres Martinez, d/b/a Torres Drywall (“Torres”), and Guillermo Guardado Fiallos, d/b/a GGF Drywall, LLC (“GGF”) (collectively, “Defendants”) (“Defendant”), by their respective counsel, hereby consent to the entry of this order. Having reviewed the Joint Motion in Support of Settlement Approval (the “Motion”) (Dkt. No. 169 in the 7:19-cv-882 case), and the Settlement Agreement and Release (the “Agreement”) attached thereto, and for the reasons stated in the Parties’ submissions and at the hearing seeking settlement approval, the Court hereby GRANTS

the Motion and APPROVES the Parties' settlement as a fair and reasonable resolution of a bona fide dispute over Fair Labor Standards Act ("FLSA") claims as required by *Poulin v. Gen. Dynamics Shared Res., Inc.*, No. 3:09-cv-00058, 2010 WL 1813497, at \*1 (W.D. Va. May 5, 2010) (quoting *Lynn's Food Stores, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982)). Moreover, all claims asserted in this action were resolved with assistance and oversight of U.S. Magistrate Judge Robert S. Ballou.

Accordingly, it is hereby ORDERED that the Agreement reached by the Parties is approved and shall take effect. It is further ORDERED that within 180 days following the date that the settlement administrator receives Defendants' payment as contemplated by the Agreement, the Plaintiffs will file a proposed dismissal order, which will also serve to notify the Court as to whether all Plaintiffs are to be dismissed with prejudice or, whether any Plaintiffs are to be dismissed without prejudice, at which time a final order will issue. This Court retains jurisdiction to enforce the terms of the settlement pursuant to *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375 (1994).

The Court further ORDERS the Clerk to docket the Joint Motion to Approve Settlement and the memorandum in support, that was only filed in Case No. 7:19-cv-882, in Case No. 7:21-cv-00365.

Entered: September 9, 2021.

  
Elizabeth K. Dillon  
United States District Judge

We Ask for this:

<p><b>PIO MENDOZA, ET AL., and JOSEPH BRITT</b></p> <p><u>/s/Craig Juraj Curwood</u> Craig Juraj Curwood (VSB No. 43975) Zev Antell, Esq. (VSB No. 74634) Butler Curwood, PLC 140 Virginia Street, Ste. 302 Richmond, Virginia 23219 Tel: 804-648-4848 Fax: 804-237-0413 craig@butlercurwood.com zev@butlercurwood.com</p> <p><u>/s/Timothy Coffield</u> Timothy Coffield (VSB No. 83430) COFFIELD PLC 106-F Melbourne Park Circle Charlottesville, VA 22901 P: (434) 218-3133 F: (434) 321-1636 tc@coffieldlaw.com</p> <p><i>Counsel for Plaintiffs</i></p>	<p><b>BAIRD DRYWALL AND ACOUSTIC, INC.</b></p> <p><u>/S/Andrew S. Gerrish</u> Andrew S. Gerrish, Esq. Nathan H. Schnetzler, Esq. Glenn B. Williams, Esq. FRITH ANDERSON + PEAKE P.O. Box 1240 Roanoke, Virginia 24006-1240 Phone: (540) 772-4600 Fax: (540) 772-9167 agerrish@faplawfirm.com nschnetzler@faplawfirm.com</p> <p><i>Counsel for Defendant Baird Drywall and Acoustic, Inc.</i></p>
<p><b>RAMIRO TORRES MARTINEZ, D/B/A TORRES DRYWALL</b></p> <p><u>/s/Aaron B. Houchens</u> Aaron B. Houchens Aaron B. Houchens, P.C. 111 East Main Street Salem, VA 24153 Phone: (540) 389-4498 Email: aaron@houchenslaw.com Counsel for Ramiro Torres Martinez d/b/a Torres Drywall</p> <p>Christopher K. Kowalczyk Attorney at Law P.O. Box 11971</p>	<p><b>GUILLERMO GUARDADO FIALLOS, D/B/A GGF DRYWALL</b></p> <p><u>/s/Catherine J. Huff</u> Catherine J. Huff (VSB No. 78610) GENTRY LOCKE 10 Franklin Road S.E., Suite 900 P.O. Box 40013 Roanoke, Virginia 24022-0013 (540) 983-9300 FAX: (540) 983-9400 huff@gentrylocke.com</p> <p><i>Counsel for Guillermo Guardado Fiallos D/B/A GGF Drywall</i></p>

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